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**OFFICE OF PETITIONS**

**DECISION ON PETITION**

In re Application of  
Howard M. Kingston  
Application No. 09/015,469  
Filed: January 29, 1998  
Attorney Docket No. 04945000095

This is a decision on the petition filed on November 7, 2002, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed October 3, 2000. This Office action set a shortened statutory period for reply of three months. On April 3, 2001, applicant replied with a Continued Prosecution Application (CPA). However, as there was already an earlier filed CPA, filed on or after May 22, 2000, the CPA was not proper<sup>1</sup>. Accordingly, the above-identified application became abandoned on April 4, 2001. However, prosecution in the application continued, until a Notice of Abandonment was mailed on November 7, 2002.

With the instant petition, petitioner paid the petition fee and made the proper statement of unintentional delay. The required reply in the form of a Request for Continued Examination (RCE) was previously filed on June 17, 2002.

The application file is being forwarded to Technology Center 1700 for processing of the RCE, filed June 17, 2002.

Telephone inquiries concerning this decision should be directed to the undersigned at (703)305-0272.

*Cliff Congo*

Cliff Congo  
Petitions Attorney  
Office of Petitions

<sup>1</sup> Applicant filed an earlier CPA on August 22, 2000.